IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27738 of 2007(B)

AGAINST THE ORDER DATED 09/07/2007 IN EA 813/2007 IN EP 32/06 IN OS.491/2001 of II ADDL.SUB COURT,THRISSUR
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PETITIONER:

JOY, S/O.ANTONY, AGED 55,
PARAMBAN HOUSE, MISSION QUARTERS, THRISSUR.

BY ADV. SRI.P.V.SREENIVASAN

RESPONDENT:

BRIGHT KURIES AND LOANS (PVT)LTD.,
BRIGHT TOWERS, THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 27738 OF 2007

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Dated this the 18th day of September, 2007.

J U D G M E N T

This writ petition is filed with a prayer to quash Ext.P4 order and direct the Court below to consider the question of appointing the Commissioner to value the property. As per this Court's decision dated 29.5.07 this Court was pleased to adjourn the sale by one month and the Court below was directed to consider Exts.P2 to P4 applications. When the matter reached the Court below what was pressed was for an instalment facility to wipe off the liability. After hearing the decree holder who demanded that it must be at the rate of Rs.20,000/- per month, the Court directed the instalment to be paid at the rate of Rs.15,000/- per month from 10.7.07. It also made clear that if the judgment debtor defaulted two consecutive instalments, the decree holder is at liberty to proceed against the petitioner in the execution petition. So, if the judgment debtor has not complied with the directions of the Court below till 10.9.07, the entitlement of the decree

holder to proceed with the sale of the property will commence. It has to be stated that a party cannot go on blowing hot and cold and the attempt to postpone the execution of a decree indefinitely by resorting to all sorts of contentions cannot be entertained. Therefore, I do not find any merit in this writ petition and it is dismissed.

M.N. KRISHNAN, JUDGE.

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